

REMARKS

The Board of Patent Appeals and Interferences (“Board”) affirmed the rejection of claims 1-2 and 9-10 as anticipated by Osder *et al.* (US Patent 5,493,606 in a decision made on 02/21/2007. The Board also affirmed the rejection of claims 3-8 and 11-16 as unpatentable over Osder *et al.* (US Patent 5,493,606) in said decision.

Applicant has submitted herewith an amendment of claim 9 and respectfully asserts that claim 9 is not anticipated by Osder, because Osder does not teach the feature: “speaking, by the audio apparatus, a message to a telephone caller, said message consisting of the digital-to-analog converted voice prompt”.

The claimed spoken message consists of a static voice prompt obtained from a database record. In contrast, Applicant interprets Osder’s spoken message as comprising both a static element that is stored in a database and a dynamic element that is dynamically generated as needed, and therefore does not consist of a static voice prompt as claimed obtained from a database record as claimed. Applicant’s interpretation is the same interpretation of Osder that the Board articulated in the Board’s decision on page 5, lines 1-3 by stating: “We recognize that Osder ultimately assembles a voice prompt at runtime by stringing together static and dynamic elements as Appellants indicate.”

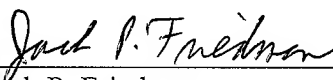
Based on the preceding arguments, Applicant maintains that Osder does not anticipate claim 9, and that claim 9 is in condition for allowance. Since claim 10 depends from claim 9, Applicant maintains that claim 10 is also in condition for allowance. Since claims 11-17 depend from claim 9, which Applicant has argued to be patentable under 35 U.S.C. §102 over Osder, Applicant maintains that claims 11-17 are not unpatentable under 35 U.S.C. §103(a) over Osder.

CONCLUSION

Based on the preceding arguments, Applicants respectfully believe that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invites the Examiner to contact Applicants' representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account No. 09-0457.

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